Express Mail Label No. Dated: _____

Docket No.: 05986/100I147-US1

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Max Costa et al.

Application No.: 10/057,832

Filed: January 25, 2002

For: METHODS AND COMPOSITIONS USING

CAP43 PROTEINS AND NUCLEIC ACIDS TO DIAGNOSE AND TREAT CANCER AND

OTHER DISORDERS

Confirmation No.: 1550

Art Unit: 1642

Examiner: Susan Nmn Ungar

CONSENT OF ASSIGNEE IN SUPPORT OF PETITION PURSUANT TO 37 C.F.R. 1.48(A)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

- I, Abram M. Goldfinger, hereby declare and state as follows:
- 1. I am the Executive Director of Industrial Liaison and Technology Transfer at New York University, the assignee of this application. I am an official empowered to act on behalf of New York University, and make these statements in that capacity.
- 2. New York University is the assignee of all right, title and interest in and to this application by virtue of an assignment from the original named inventors Max Costa, Konstantin Salnikow and Herman Yee. That assignment is recorded in the U.S. Patent and Trademark Office at Reel 012933, Frame 0969.

- 3. I understand that a Petition is being filed in the U.S. Patent and Trademark Office to amend the inventorship of this application. I understand, in particular, that the Petition seeks add the name of Hakan Cangul as a co-inventor of this application.
- 4. I hereby give written consent, on behalf of the assignee New York University, for this change in the inventorship set forth for the application.
- 5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

Dated: 2/15/09

Abram M. Goldfinger Executive Director,

Industrial Liaison/Technology Transfer

Docket No.: 05986/100I147-US1

New York University

70 Washington Square South

New York, New York 10012

Tel. (212) 263-3115

PTO/SB/17 (12-04v2)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number. Complete if Known Effective on 12/08/2004. 10/057,832-Conf. #1642 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). Application Number **FEE TRANSMITTAL** January 25, 2002 Filing Date . Max Acosta First Named Inventor For FY 2005 S. N. Ungar Examiner Name 1642 Applicant claims small entity status. See 37 CFR 1.27 Art Unit

TOTAL AMOUNT OF PA	YMENT (\$) 130.00	A	ttomey Docket	No. 0:	5986/1001147	-US1	
METHOD OF PAYMEN	IT (check all the	at apply)						
X Check Credit Deposit Account	Card M	oney Order	None	Other (please identif	y): Darby & Da	arby P.C.	·
For the above-ider	tified deposit a	ccount, the D	Director is he	ereby authorize	ed to: (check	all that apply)		
Charge fee(s) indicated belo	ow		Charge	e fee(s) indic	cated below, ex	cept for t	he filing fee
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FEE CALCULATION								
1. BASIC FILING, SEARC	H, AND EXAM	INATION FE	ES					
Application Type		FEES Small Entity Fee (\$)	SEAR Fee (\$)	CH FEES Small Entity Fee (\$)	EXAMINA Fee (\$)	ATION FEES Small Entity Fee (\$)	Fees I	Paid (\$)
Utility	300	150	500	250	200	100	10001	uiu (ψ)
Design	200	100	100	50	130	65		
Plant	200	100	300	150	160	80		
Reissue	300	150	500	250	600	300		
Provisional	200	100	0	0	0	0		
2. EXCESS CLAIM FEES						-	n	Small Entity
Fee Description							Fee (\$)	Fee (\$)
Each claim over 20 (include	•						50	25
Each independent claim or		g Reissues)					200	100
Multiple dependent claims							360	180
		ee (\$)	Fee Paid	d (\$)		tiple Depende		
26102	×	= _	<u> </u>		<u>Fee</u>	<u>(\$)</u> <u>F</u>	ee Paid (S	51
Indep. Claims Extra	Claims F	ee (\$)	Fee Paid	d (\$)				
3. APPLICATION SIZE FE If the specification and d listings under 37 CFR sheets or fraction ther	rawings exceed 1.52(e)), the a	pplication siz S.C. 41(a)(1)	ze fee due is (G) and 37	s \$250 (\$125 f CFR 1.16(s).	or small ent		lditional 5	
	Extra Sheets			tional 50 or frac		Fee (\$)	Fee	Paid (\$)
- 100 =		/50	(ro	ound up to a who	ile number) x	=		D-14 (A)
4. OTHER FEE(S)	ion \$120 for	(ma amali an	titu diaac	.4)			Fees	Paid (\$)
Non-English Specificat Other (e.g., late filing s			to Amend	ıt) I Inventorship 	37 C.F.R	R. §§ 1.48(a)	13	30.00
SUBMITTED BY								

SOBIMITIED BY)						
Signature	Z	anue S. War	och	Registration No. (Attorney/Agent)	43,287	Telephone	(212) 527-7610	
Name (Print/Type)	Sa	muel S. Woodley, Ph.)			Date	January 27, 2005	
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Express Mail Label No.	Dated:	

Dated:

Docket No.: 05986/100I147-US1

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Max Costa et al.

Application No.: 10/057,832

Customer No.: 07278

Filed: January 25, 2002

Art Unit: 1642

For:

METHODS AND COMPOSITIONS USING

CAP43 PROTEINS AND NUCLEIC ACIDS TO DIAGNOSE AND TREAT CANCER

AND OTHER DISORDERS

Examiner: Susan Ungar

<u>PETITION TO CORRECT INVENTORSHIP</u> OF A NON-PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.48(a)

MAIL STOP PETITION Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

This is a petition under 37 C.F.R. § 1.48(a) to correct the inventorship of the above identified non-provisional application. This petition is accompanied by: (1) a statement by Hakan Cangul, the person being added as a co-inventor; (2) a Declaration and Power of Attorney signed by each of the inventors; (3) a check in payment of the estimated processing fee; and (4) a written statement of an authorized officer for New York University, the assignee of this application, consenting to the change of inventorship. A statement under 37 C.F.R. § 3.73(b) also accompanies this petition.

130,00 ND

02/03/2005 ANABII 00000086 10057832

The above identified application originally identified Max Costa, Konstantin Salnikow, and Herman Yee as inventors. The actual inventors of the present invention are Max Costa, Konstantin

Salnikow, Herman Yee, and Hakan Cangul.

As explained in the signed statement of Dr. Hakan Cangul, the failure to name him as an

inventor occurred through error and without any deceptive intention on his part. It is respectfully

requested that Hakan Cangul be added as an inventor to the above-identified non-provisional

application.

A check for the estimated fee of \$130.00 required under 37 C.F.R. § 1.17(i) is submitted

with this petition. The Commissioner is authorized to charge any deficiency or credit any excess in

this fee to Deposit Account No. 04-0100.

Respectfully submitted,

Dated: January 27, 2005

Samuel Woodley, Ph.D.

Reg. No. 43,287

DARBY & DARBY P.C.

Post Office Box 5257 New York, NY 10150-5257

212-527-7700

AgentsAttorneys for Applicants

Express Mail Label No.	Dated:

Docket No.: 05986/100I147-US1

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Max Costa et al.

Application No.: 10/057,832

Customer No.: 07278

Filed: **January 25, 2002**

Art Unit: 1642

For: METHODS AND COMPOSITIONS USING

CAP43 PROTEINS AND NUCLEIC ACIDS TO DIAGNOSE AND TREAT CANCER

AND OTHER DISORDERS

Examiner: Susan Ungar

STATEMENT OF HAKAN CANGUL IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.48(a) TO CORRECT INVENTORSHIP

MAIL STOP PETITION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

- I, Hakan Cangul, hereby declare and state as follows:
- I am a citizen of Turkey and am more than twenty-one (21) years of age. I presently reside
 in Turkey at the address Besevler Mah. 75. Yil Cumhuriyet Cad., Gumusyildiz Sit. 722 Prs.
 No: 10, Bursa, TURKEY.
- 2. I have been advised by counsel, and therefore believe, that I am a co-inventor of the subject matter claimed in the above-captioned patent application, along with Max Costa, Konstantin Salnikow, and Herman Yee.

3. I have also been advised by counsel, and therefore believe, that this application was originally filed without naming me as a co-inventor. In particular, I understand that the application was filed naming only my co-inventors Max Costa, Konstantin Salnikow, and Herman Yee.

4. I understand from counsel, and therefore also believe, that a Petition to Correct Inventorship is being submitted in connection with this application, requesting that my name be included, along with the names of Max Costa, Konstantin Salnikow, and Herman Yee, as co-inventor of this application. I am making this Declaration in support of that Petition to Correct Inventorship.

5. I declare that the omission of my name as a co-inventor of this application occurred without any deceptive intent on my part.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 08 25 2004

Hakan Cangal, M.D., Ph.D.

Express Mail Label No.	Dated:		
		_	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is described and claimed and for which a patent is sought on the invention entitled:

METHODS AND COMPOSITIONS USING CAP43 PROTEINS AND NUCLEIC ACIDS TO DIAGNOSE AND TREAT CANCER AND OTHER DISORDERS

the specification of which was filed on January 25, 2002 as Application No. 10/057,832.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein. I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigned more than twelve months prior to this application.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

of the application on which priority is claimed:
x no such foreign applications have been filed
such foreign application have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
			Yes No
			Yes No
			Yes No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing
	0	

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35,	United States Code §119(e),	of any United States
provisional patent application(s) listed below:		

1		no s	such	LLS	provisional	an	nlications	have	heen	filed
١	1	110 3	sucii	U.S.	provisionai	·aμ	piications	Have	OCCII	mcu.

x such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/264,268	January 25, 2001	x Yes No
		Yes No
		Yes No

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

x no such U.S./PCT applications have been filed.								
such	u.S./PCT application hav	re been filed as follows:						
	Application Number	Date of Filing	Status (Patented/Pending/Abandoned)					

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the practitioners under Customer Number

07278

jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

Please mail all correspondence to Samuel S. Woodley, Ph.D., whose address is:

Darby & Darby P.C.
P.O. Box 5257
New York, New York 10150-5257

Please direct telephone calls to: Samuel S. Woodley, Ph.D. at (212) 527-7610.

Please direct facsimiles to: (212) 753-6237

Full name of sole or first inventor	
Max Costa	
Sole or first inventor's signature	Date
Residence	
Hoboken, New Jersey	
Citizenship US	
Mailing Address	
208 First Street #3	
Hoboken, NJ 07030	
Full name of second inventor, if any	
Konstantin Salnikow	
Second inventor's signature	Date
K. Salum	12.17.04
Residence	
Ijamsville, Maryland	
Citizenship US	
Mailing Address	
7806 Lythan Place	
Ijamsville, MD 21754	
Full name of third inventor, if any	
Herman Yee	Date
Third inventor's signature	Daic
Residence	
Pomone, New York	
Mailing Address	
54 Halley Drive	
Pomone, New York 10970	
Full name of fourth inventor, if any	
Hakan Cangul	
Fourth inventor's signature	Date
Residence	
Bursa, Turkey	·
Citizenship Turkey	
Mailing Address	
Besevler Mah. 75. Yil Cumhuriyet Cad.	
Gumusyildiz Sit. 722 Prs. No: 10	
Bursa	
TURKEY	

ull name of sole or first inventor	
Max Costa	
ole or first inventor's signature	Date
ple of Ittst inventor 3 s.E	
csidence	
Ramsey, New Jersey	
Citizenship US	
Mailing Address	
Nation Progress	
207 East Crescent Avenue	
Ramsey, New Jersey 07446	
lington (Cam)	
Full name of second inventor, if any	
Konstantin Salnikow Second inventor's signature	Date
Second inventor's signature	
Residence	
Waldwick, New Jersey	
Citizenship US	
Mailing Address	
•	• .
3 Gateway Court Waldwick, New Jersey 07463	
Full name of third inventor, if any	
Herman Yee	Date
Third inventor's signature	9/15704
Residence	
Pomone, New York	
Citizenship US	
Mailing Address	-
54 Halley Drive	
Pomone, New York 10970	
Full name of fourth inventor, if any	
Hakan Cangul	
Fourth inventor's signature	Date
Residence	
Bursa, Turkey	
Citizenship Turkey	
Mailing Address	
Besevler Mah. 75. Yil Cumhuriyet Cad.	
Gumusyildiz Sit. 722 Prs. No: 10	
Bursa	

Full name of sole or first inventor				
Max Costa				
Sole or first inventor's signature	Date (2) (2)			
1/1/				
Residence	, , ,			
Hoboken, New Jersey				
Citizenship US				
Msifing Address				
208 First Street #3				
Hoboken, NJ 07030				
Full name of second inventor, if any				
Konstantin Salnikow	Date			
Second inventor's signature				
Residence	1			
Ijamsville, Maryland				
Cirizenship US				
Mailing Address				
7806 Lythan Place				
Ijamsville, MD 21754				
Full name of third inventor, if any				
Herman Yec				
Third inventor's signature	Date			
Residence				
Pomone, New York	· · · · · · · · · · · · · · · · · · ·			
Citizenship US				
Mailing Address				
54 Halley Drive				
Pomone, New York 10970	·			
Full name of fourth inventor, if any	· · · · · · · · · · · · · · · · · ·			
Hakan Cangul				
Fourth inventor's signature	Date			
7-14				
Residence Bursa, Turkey				
Citizenship Turkey Mailing Address				
Besevler Mah. 75. Yil Cumhuriyet Cad.				
Gumusyildiz Sit. 722 Prs. No: 10				
Bursa				
TURKEY				

Full name of sole or first inventor					
Max Costa					
Sole or first inventor's signature	Date				
Residence					
Ramsey, New Jersey					
Citizenship US	····				
Mailing Address					
207 East Crescent Avenue					
Ramsey, New Jersey 07446					
Full name of second inventor, if any					
Konstantin Salnikow					
Second inventor's signature	Date				
Residence					
Waldwick, New Jersey					
Citizenship US					
Mailing Address					
	,				
3 Gateway Court					
Waldwick, New Jersey 07463					
Full name of third inventor, if any					
Herman Yee	Date				
Third inventor's signature	Date				
D. I.	<u> </u>				
Residence Demons New York					
Pomone, New York					
Citizenship US					
Mailing Address					
SA Hallow Duling					
54 Halley Drive Pomone, New York 10970					
Follone, New Tolk 10970					
Full name of fourth inventor, if any					
l ·					
Hakan Cangul Fourth inventor's signature	Date				
routin inventor's signature	08.25.2004				
Residence					
Bursa, Turkey					
Citizenship Turkey					
Mailing Address Besevler Mah. 75. Yil Cumhuriyet Cad.					
Gumusyildiz Sit. 722 Prs. No: 10					
Bursa					
	TURKEY				

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PTO/SB/96 (09-04)
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		STATEMENT UNI	DER 37 CFR 3.73(<u>b)</u>		
Applicant/Patent	Owner: Max	Costa et al.				
Application No./P	atent No.:	10/057,832	Filed/Issue Date:	, January 25, 2002		
MET Entitled: <u>DIAG</u>	METHODS AND COMPOSITIONS USING CAP43 PROTEINS AND NUCLEIC ACIDS TO Entitled: DIAGNOSE AND TREAT CANCER AND OTHER DISORDERS					
Ne (Name of Assignee	w York Univers	ity , a (Typ	pe of Assignee, e.g., corporation,	University partnership, university, government agency, etc.)		
states that it is:						
1. X the ass	ignee of the ent	tire right, title, and inter	est; or			
		an the entire right, title a				
		age) of its ownership in		6		
		entified above by virtue				
A. X An assign assignment Assignm	nment from the e ent was recorde 0969	original named inventor d in the United States F	r(s) of the patent applications and Trademark (ation/patent identified above. The Office at Reel012933,		
OR						
B. A chain of assignee	of title from the in as shown below	nventor(s), of the paten w:	t application/patent ide	ntified above, to the current		
1. From:	Max Costa,	Konstantin Salnikow ar	nd Herman Yee To:	New York University		
The Ree		recorded in the United , Frame0969	States Patent and Trac	demark Office at		
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[NOTE: // submitted recorded	A separate copy I to Assignment in the records o	(i.e., a true copy of the Division in accordance of the USPTO. See MP	EP 302.08]	ocument(s)) must be the assignment is to be		
The undersigned (whose title is su	pplied below) is author	ized to act on behalf of	the assignee.		
	Signa	ature		15/17/04		
	Abram M. ((010) 000 0115		
	Printed or T	yped Name		(212) 263-3115 Telephone Number		
Executive Dire	ector, Industrial Tit	Liaison/Technology Tra le	ansfer			